

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America
v.

DAVID LEE ERVIN

Date of Original Judgment: 11/14/2008
Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

)
)
) Case No: 07-00346-001
) USM No: 10082-003
)
) James M. Byrd
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

The defendant was sentenced to the statutory mandatory minimum, which was not affected by the retroactive amendment or by the Fair Sentencing Act.

Except as otherwise provided, all provisions of the judgment dated November 14, 2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 16, 2011

/s/ Callie V. S. Granade

Judge's signature

Effective Date: _____
(if different from order date)

United States District Judge

Printed name and title